

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FCS ADVISORS, LLC,

Plaintiff,

—against—

THEIA GROUP, INC., d/b/a “THORIAN
GROUP” and/or “CYPHERIAN”; THEIA
AVIATION, LLC; and THEIA HOLDINGS
A, INC., d/b/a “THORIAN HOLDINGS,”

Defendants.

21 Civ. 6995 (PKC)

**NOTICE OF EXPEDITED MOTION FOR ENTRY OF AN ORDER
(I) AUTHORIZING RECEIVER TO ENTER INTO FIRST AMENDMENT
TO RECEIVER’S CERTIFICATE PURCHASE AND SECURITY AGREEMENT
WITH FCS ADVISORS, LLC AND (II) GRANTING RELATED RELIEF**

PLEASE TAKE NOTICE that Michael Fuqua, as receiver (the “Receiver”) for Theia Group, Inc., Theia Aviation LLC, and Theia Holdings A, Inc., by and through his undersigned counsel, will move (the “Motion”) the Court, before the Honorable P. Kevin Castel, United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312, for entry of an Order (the “Proposed Order”), substantially in the form attached as **Exhibit A**: (a) authorizing the Receiver to enter into that certain *First Amendment to Receiver’s Certificate Purchase and Security Agreement*, a copy of which is attached as **Exhibit 1** to the Proposed Order, and (b) granting related relief.

PLEASE TAKE FURTHER NOTICE that, in support of this Motion, the Receiver relies upon the accompanying *Memorandum of Law* and the *Declaration of Michael Fuqua, as Receiver, in Support of the Motion for an Order (I) Authorizing the Receiver to Enter Into That Certain First Amendment to Receiver’s Certificate Purchase and Security Agreement with FCS Advisors, LLC*

and (II) *Granting Related Relief* (the “Fuqua Declaration”), both of which are being filed contemporaneously herewith.

PLEASE TAKE FURTHER NOTICE that copies of the *Memorandum of Law*, the Proposed Order, and Fuqua Declaration can be obtained (i) for a fee through the Court’s website at <https://www.nysb.uscourts.gov/> referencing Case No. 21-Civ.-6995 (PKC) or (ii) for free upon request directed to counsel for the Receiver, Reed Smith LLP, 1201 N. Market Street, Suite 1500, Wilmington, Delaware 19801, Attn: Jason D. Angelo, Esq. (jangelo@reedsmith.com).

PLEASE TAKE FURTHER NOTICE that pursuant to paragraph 15 of the Receivership Order, Federal Rule of Civil Procedure 6(d), and Rule 6.1(b) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, opposing affidavits and answering memoranda must be filed on or before **February 13, 2023**.

Dated: February 6, 2023
New York, New York

Respectfully submitted:

REED SMITH LLP

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- and -

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*Counsel for Michael Fuqua, in his capacity as
Receiver of Theia Group, Inc., Theia Aviation LLC,
and Theia Holdings A, Inc.*